UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

-----x Michael Cetta, Inc. d/b/a Sparks Restaurant, :

Petitioner, Docket Nos. 18-1165; 18-1171

:

v.

NLRB Case Nos.: 02-CA-142626;

National Labor Relations Board, : 02-CA-144852

Respondent. : x

UNOPPOSED MOTION TO RESCHEDULE ORAL ARGUMENT

Petitioner Michael Cetta, Inc. d/b/a Sparks Restaurant ("Petitioner"), by and through its undersigned counsel, hereby moves pursuant to Rule 34 of the Federal Rules of Appellate Procedure and Circuit Rule 34 to reschedule the current April 26, 2019 oral argument date. Respondent National Labor Relations Board ("Board") does not oppose this motion.

The current oral argument date falls on the seventh day of Passover which, as observed by undersigned counsel, is a religious holiday on which no business is conducted. Petitioner respectfully submits such religious observance constitutes an "extraordinary cause for a continuance" pursuant to Circuit Rule 34(g) and asks that oral argument be rescheduled to a future date convenient for the Court.

To aid in the Court's determination of a new date, Petitioner respectfully advises the Court counsel for the Board is unavailable March 18-22, and April 2, and the undersigned is unavailable April 5, and May 16–17.

The request to reschedule oral argument is made by counsel in good faith, and not for the purpose of delay or other procedural advantage.

Dated: New York, New York

February 21, 2019

Respectfully submitted,

MICHELMAN & ROBINSON, LLP

Filed: 02/21/2019

By: /s/ Jon Schuyler Brooks

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Attorneys for Petitioner

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Respondent. :

CERTIFICATE OF SERVICE

I hereby certify that, on February 21, 2019, a true and correct copy of the above and foregoing document was electronically filed with the Clerk of Court, with electronic service of the same, to the following:

Linda J. Dreeben Usha Dheenan Gregoire Frederic Sauter National Labor Relations Board 1015 Half Street SE Washington, D.C. 20570-0001

Dated: New York, New York February 21, 2019

/s/ Jon Schuyler Brooks
Jon Schuyler Brooks

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

Michael Cetta, Inc. d/b/a Sparks Restaurant, : Petitioner, Docket Nos. 18-1165; 18-1171 v. NLRB Case Nos.: 02-CA-142626; National Labor Relations Board, : 02-CA-144852 Respondent.

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the Petitioner certifies that the foregoing Motion contains 260 words of proportionally-spaced, 14point type, and the word processing system used was Microsoft Word 2016.

Dated: New York, New York February 21, 2019

> /s/ Jon Schuyler Brooks Jon Schuyler Brooks